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PATENT APPLICATION  
ATTORNEY DOCKET NO. 10018845-1



IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Chiang Alexander, et al.

Confirmation No.: 4982

Application No.: 09/986,221

Examiner: Londra C. Burge

Filing Date: October 22 2001

Group Art Unit: 4982

Title: System For Automatic Generation Of Arbitrarily Indexed Hyperlinked Text

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TRANSMITTAL OF REPLY BRIEF

Sir:

Transmitted herewith in *triplicate* is the Reply Brief with respect to the Examiner's Answer mailed on March 14, 2006. This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new grounds of rejection.)

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**PATENT**

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Express Mail Label No.: EV413243545US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Appellant(s)	Chiang Alexander, et al.	Examiner	Londra C. Burge
Serial No.	09/986,221	Group Art No.	2178
Filed	October 22, 2001	Confirmation No.	4982
For	System For Automatic Generation Of Arbitrarily Indexed Hyperlinked Text		

**RESPONSE TO EXAMINER'S ANSWER****1. Summary**

The Examiner has not provided Appellants with any specific reason that would explain, where or how, in the Sotomayor patent (hereinafter referred to as "Sotomayor"), the updating of hyperlinks **on a website** takes place. The Examiner has described a number of features of a generic web site mentioned in Sotomayor, but has not shown where in Sotomayor these features are disclosed as being incorporated in, or otherwise employed by, the system or method disclosed in Sotomayor. Appellants maintain that the sections from Sotomayor cited by the Examiner do not disclose a process for updating hyperlinks on a web site.

Thus Appellants maintain that claims 1–6, 9–13, and 15–19 are not anticipated, under 35 U.S.C. 102(e), by Sotomayor, because the document does not disclose every one of the elements and limitations recited in these claims, as explained below.

**2. Response to Examiner's Arguments**

Appellants' arguments set forth below are applicable to each of Appellants' independent claims 1, 9, and 16, since the Examiner's ground of rejection with respect to the issues set forth below are essentially identical.

A. In the Examiner's Answer to Appellants' Appeal brief, mailed March 14, 2006, the Examiner misstates and mischaracterizes several points made in Appellant's Appeal brief. First, at the beginning of the main paragraph on page 10, the Examiner states:

(a) "The Appellant's main argument focuses on the belief that that Sotomayor neither discloses nor mentions a web site..."

Then, at the end of the same paragraph, near the bottom of page 10, the Examiner states:

(b) "Thus, the Appellant's assumption that a web site server must be implemented on the "Internet WAN is clearly in error."

Appellants respectfully submit that not only does the Examiner's conclusion (b) above misstate Appellants' "main argument", but in addition, the conclusion (b) does not logically follow from the Examiner's statement (a). Appellants note that no such assumption as (b) is made in the Appeal brief, and furthermore, that *the term "WAN" does not appear in the brief at all, and the term "Internet" is only used once – in a quote from Sotomayor.* In view of such a misstatement by the Examiner, Appellants assert that the immediately preceding argument made by the Examiner (the bulk of page 10 in the Examiner's Answer) is irrelevant with respect to finding Appellants' claims anticipated by Sotomayor.

In addition, on page 10, the Examiner makes a number of statements that are true in the abstract, but which are entirely irrelevant to Sotomayor's teachings, since nowhere in Sotomayor are the statements indicated as being applicable to the system or method taught in the reference itself. For example, on page 10 of the Examiner's Answer, the Examiner states "A web site is known in the art", "A Local Area Network (LAN) is used to connect computing devices within a close proximity of each other", and "it is also well known that the web site server can be resident in a local, standalone computer"....

Appellants agree that the Examiner's statements immediately above are generally accurate, but *these statements have no support in Sotomayor* with respect to the manner in which Sotomayor itself operates; thus they are entirely irrelevant to a finding that Appellants' claims are anticipated by the Sotomayor. Therefore, Appellants assert that the Examiner's arguments made in the entire main paragraph are irrelevant and thus moot with respect to finding that Appellants' claims are anticipated by Sotomayor.

Next, on page 11 of the Examiner's Answer, the Examiner states:

"With respect to updating, the Appellant acknowledges that Sotomayor teaches updating (page 7), **only contending that** the updating is not done to an external source (pages 7–8). However, it is noted that **the feature upon which the Appellant relies**, (i.e., updating an external source) is not recited in the rejected claim(s)" [emphasis supplied].

With regard to the above assertions by the Examiner, Appellants note that (1) "*The*" feature on which Appellants rely is not "updating an external source", and (2) Appellants do not *only* contend that the updating in Sotomayor is not done to an external source. Appellants believe that they provided sufficient reiteration in their Appeal brief to make it clear that Sotomayor nowhere discloses updating documents on a web server or on a web site. The statement in the Appeal brief, to which the Examiner apparently refers, actually recites:

In the Sotomayor method, **the documents themselves are updated**, so that internal consistency is maintained. Consider a document containing an index. When some pages in the document have been moved around or otherwise modified, an **index** (or indices) must be updated. However, this updating of indices is not the same (or similar) process as *updating an external source – the web site* – to point to newly updated text, name files and/or indices.

The Examiner apparently misses the point here. **Although Appellants' claimed system and method does function to update "external sources", such as non-local web sites**, Appellants note that whether the web site / web server is external or internal is not a significant issue with respect to distinguishing

Appellants' claims over Sotomayor's teachings – Appellants' claims recite a "updating, on a web site, the hyperlinks...", wherein the "web site" necessarily includes a web site server. Furthermore, as stated in the Appeal brief, the updating of indices, as taught by Sotomayor, is not the same (or similar) process as updating a web site (whether it be external or internal) to point to newly updated text, name files and/or indices, as performed by Appellant's claimed invention.

**B.** In the Examiner's Answer, the Examiner makes further misstatements of fact (on page 11), namely:

"Further, it is known that a user is connected to the Internet, as the user is able to obtain HTML documents from the internet (column 11 line 60– column 12 line 9). Summaries are generated from the HTML documents obtained from the Internet (column 12, lines 10–38). These summaries, in HTML, and viewable by a browser (column 11 line 60– column 12 line 9), constitute a web site, on a personal intranet consisting of a single user computer."

Appellants respectfully submit that the statements immediately above are incorrect, and Appellants refute the Examiner's statements, sentence by sentence, below:

(a) "It is known that a user is connected to the Internet, as the user is able to obtain HTML documents from the Internet."

This statement is not correct. Simply because a document contains hyperlinks to other documents on other Internet computers does not imply anything about the actual *accessibility* of the documents. One could create a Word document that contains hyperlinks, and then put the Word document on a computer that is not connected to the Internet. In this case, if one attempts to access those hyperlinks contained in the Word document, it will not be possible. Therefore, the mere fact that hyperlinks are embedded in a document indicates nothing whatsoever about the accessibility of those documents via the Internet.

(b) "Summaries are generated from the HTML documents obtained from the Internet (column 12, lines 10-38)."

Reading the relevant section in Sotomayor (column 12, lines 10-38), Appellants see nothing about HTML or the Internet. Perhaps the word "hyperlinks" implies HTML, but there is nothing at all about the Internet in this section of Sotomayor.

(c) "These summaries, in HTML and viewable by a browser, constitute a web site, on a personal intranet consisting of a single user computer."

First of all, a collection of HTML files on a computer does *not* constitute a web site. It is a collection of HTML files, no more, and no less. A website is hosted on a computer system known as a web server, also called an HTTP server. A browser can read the files and can make them look like "the web", but one could open the same files with Microsoft Notepad, for example and the result would look like gibberish. A collection of files on a "personal intranet consisting of a single user computer" is most definitely not a web site, and that fact is well known to one of ordinary skill in the art.

Second, Sotomayor merely mentions making the resources available over a network (whether a LAN or WAN, it doesn't matter). This, in and of itself, does not imply a web site, which implicitly must include a web site server. *Inter alia*, paragraph 0009 in Appellant's specification, set forth in part below, indicates that the files of interest are copied to a "web server", which is necessarily and inherently included in the "web site" recited in Appellants independent claims.

**[0009]** ... By automating the document linking and updating process, the chances of introducing errors into the hyperlinking process are greatly reduced, if not eliminated. ... Furthermore, the documentation is instantly available over the Internet, **since the present invention automatically copies all of the necessary files to the appropriate web server** [emphasis supplied].

There are many types of servers that can make resources available over a network, for example, FTP servers, SAMBA servers, and Novell



Netware servers. A client computer could connect over the network to any of those servers and view the documents generated by the Sotomayor invention, but that doesn't make any of these servers a web site or web server. A web site server is different in multiple aspects, including, for example, stateless connections and server side rendering. These features clearly differentiate a web site / web site server from any of the above servers, regardless of whether a user is on a WAN or a LAN, and again, this fact is well known to anyone of ordinary skill in the art. Appellants respectfully submit that the Examiner's WAN/LAN argument is simply incorrect and irrelevant to finding Appellants' claims anticipated by Sotomayor.

Appellants maintain that sharing files located on a personal computer does not transform the computer, or the combination of the computer and a WAN or LAN, into a web site / web site server at all. Whether the web site / web server is external or internal is not a significant issue with respect to distinguishing Appellants' claims over Sotomayor's teachings – Appellants' claims recite a “updating, on a web site, the hyperlinks...”, wherein the “web site” necessarily includes a web site server. Appellants reiterate that Sotomayor nowhere discloses updating documents on a web server or on a web site.

Appellants also maintain that merely because the World Wide Web (Internet) is mentioned in Sotomayor, regardless of whether Sotomayor's system is connected to the Internet, the reference is totally devoid of any specifics to support an argument that the reference discloses any mechanism or process for *copying* hyperlinks to a web site or *updating* web pages on a web site via a web server or via any other mechanism, as claimed in Appellants pending independent claims 1, 9 and 16.

There is absolutely no disclosure of “updating” in Sotomayor that is indicated as being performed on any documents on a web site, via an Internet server, via the Internet, or in any other manner whatsoever. Figure 8 in Sotomayor, to which the Examiner refers (in column 11, line 60–column 12, line 10), is a ‘system’ figure showing a *self-contained* system, wherein all of the modules are shown to operate *without any connectivity to a server or to a*

*web site*. The mere mention of the “World-Wide Web” in Sotomayor’s disclosure, and the recitation of general characteristics of web browsers, is simply insufficient to conclude that Internet or a web site is used for a purpose not specifically disclosed, or even suggested, in the patent description.

In box 47 in Figure 8, HTML segment, creation, and linking is performed, and then in box 48, anchor insertion takes place. However, those boxes form the end processes/results of a self-contained system. They do not indicate that any sort of server is actually connected to the system of Figure 8, much less that a server or web site is updated. While operations 47 and 48 could, in theory, take place on an author’s server, Sotomayor does not imply that updates take place anywhere else other than perhaps on a local computer. The only thing for certain about blocks 47 and 48 is that the operations shown therein are performed by some *computer*, and nothing in Fig. 8 (or in the associated text) implies that this computer is either a *server* or *that the computer is part of a web site*. Furthermore, none of the text associated with Fig. 8 or blocks 47/48 mentions a server or a web site.

Appellants can find nothing in any of the sections cited by the Examiner (or anywhere else in Sotomayor) that is, in any way, related to either “**copying**” hyperlinks on a web site, or ‘**updating**’ hyperlinks on a web site.

In the Sotomayor method, the documents themselves are updated, so that internal consistency is maintained. Consider a document containing an index. When some pages in the document have been moved around or otherwise modified, an **index** (or indices) must be updated. However, this updating of indices is not the same (or similar) process as *updating an external or internal source* – specifically, in Appellants’ independent claims, *a web site* – to point to newly updated text, name files and/or indices.

Therefore, Appellants assert that Sotomayor does not disclose either **copying** hyperlinks to, or **updating** hyperlinks on, a *web site*, as recited in each of Appellants’ independent claims. *The Examiner has not provided Appellants with any specific reason that would explain, where or how, in Sotomayor, the updating of hyperlinks takes place on a website.*



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- C. In rejecting claim 16, the Examiner incorrectly refers to claim 16 as a "dependent claim", and fails to provide any basis for rejecting the "copying" and "updating" steps recited therein.

Appellants assume that the examiner intended to apply, at least with respect to the issues of 'copy' and 'updating' hyperlinks on a web site, essentially the same arguments as those used to reject independent claims 1 and 9, in which case, Appellants' arguments above with respect to claims 1 and 9 are applicable to the possibly intended rejection of independent claim 16.

**D. Conclusion**

For at least the reasons set forth above, Appellants maintain that Sotomayor does not disclose anything relevant to either of the processes of (1) copying hyperlinks and HTML-encoded target text to a web site, or (2) updating hyperlinks on a website (or central web server), as recited in Appellants' independent claims. Therefore, Appellants maintain that Appellants' independent claims 1, 9 and 16, each of which recite copying hyperlinks to and updating hyperlinks on, a web site, are not anticipated by Sotomayor, and are thus allowable in view thereof. Accordingly, all of Appellants' pending dependent claims 2-6, 10-13, 15, and 17-19, are also believed to be allowable over the cited reference.

Respectfully submitted,

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